

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1001 be amended to read as follows:

- 1 Page 116, between lines 25 and 26, begin a new line double block
- 2 indented and insert:
- 3 **"(G) The estimated impact that:**
- 4 **(i) each proposed capital project; and**
- 5 **(ii) all proposed capital projects, in the aggregate;**
- 6 **will have on tax rates.**
- 7 **(H) A schedule of the estimated aggregate tax impact of all**
- 8 **debt and lease obligations for capital projects that the**
- 9 **political subdivision has previously incurred for each year**
- 10 **over the term that payments will be made to pay for the**
- 11 **capital projects or to pay debt and lease obligations related**
- 12 **to the capital project.".**
- 13 Page 134, between lines 41 and 42, begin a new paragraph and
- 14 insert:
- 15 "SECTION 140. IC 6-1.1-29.5-6, AS ADDED BY P.L.224-2007,
- 16 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 17 JANUARY 1, 2009]: Sec. 6. (a) The department of local government
- 18 finance shall by rule prescribe the format of a capital projects plan. A
- 19 capital projects plan must apply to at least the five (5) years
- 20 immediately following the year the capital projects plan is adopted and
- 21 must include the following components for each year covered by the
- 22 capital projects plan:
- 23 (1) A general description of the political subdivision.
- 24 (2) A description of facilities owned by the political subdivision

and the use of the facilities.

(3) The location and general description of each proposed capital project and the intended use of each proposed capital project.

(4) The estimated total cost of each proposed capital project.

(5) The estimated impact that:

(A) each proposed capital project; and

(B) all proposed capital projects, in the aggregate; will have on tax rates.

(6) A schedule of the estimated aggregate tax impact of all debt and lease obligations for capital projects that the political subdivision has previously incurred for each year over the term that payments will be made to pay for the capital projects or to pay debt and lease obligations related to the capital project.

~~(5)~~ (7) Identification of all sources of funds expected to be used for each proposed capital project.

~~(6)~~ (8) The planning, development, and construction schedule of each proposed capital project.

~~(7)~~ (9) Any other element required by the department of local government finance.

(b) The department of local government finance shall by rule establish a procedure for amendment of a capital projects plan in the case of an emergency.

SECTION 141. IC 6-1.1-29.5-11, AS ADDED BY P.L.224-2007, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 11. (a) Before the fiscal body of a political subdivision may submit a capital project described in section 10 of this chapter to the review board, the fiscal body shall:

(1) hold a public hearing on the proposed capital project; and

(2) prepare a feasibility study that supports the scope and cost of the proposed capital project.

Before a public hearing on a proposed capital project is held by the fiscal body of a political subdivision under this section, the fiscal body shall publish a description of the proposed capital project and a notice of the hearing in accordance with IC 5-3-1-2(b).

(b) The hearing notice published under subsection (a) must:

(1) indicate that the proposed capital project is part of the political subdivision's capital project plan;

(2) indicate where the capital projects plan can be obtained; and

(3) provide schedules describing the estimated impact that the particular proposed project and the estimated aggregate impact that all capital projects covered by the political subdivision's capital project plans will have on tax rates over the term that payments will be made to pay for the capital projects or repay debt service obligations related to the

capital project.

~~(b)~~ (c) The fiscal body of a political subdivision may consider multiple capital projects at a public hearing held under this section.

~~(c)~~ (d) When the fiscal body of a political subdivision holds a public hearing under this section, the fiscal body shall allow any person an opportunity to be heard in the presence of others who are present to testify with respect to the proposed capital project. However, the fiscal body may limit testimony at a public hearing to a reasonable time stated at the opening of the public hearing.

~~(d)~~ (e) After holding a public hearing under this section and considering all information submitted by persons testifying at the hearing, the fiscal body of a political subdivision may adopt an ordinance or resolution requesting approval of the proposed capital project by the review board. The fiscal body shall immediately transmit a copy of the ordinance or resolution to the review board. If the political subdivision contains territory in more than one (1) county, the fiscal body shall transmit a copy of the ordinance or resolution to the review board of each of those counties.

SECTION 142. IC 6-1.1-29.5-13, AS ADDED BY P.L.224-2007, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 13. (a) After considering all information submitted at the hearing under section 12 of this chapter by the fiscal body of the political subdivision and by persons testifying at the hearing, the review board may approve or disapprove a proposed capital project. The review board may consider the following factors when reviewing a proposed capital project:

(1) The age, condition, and adequacy of existing facilities.

(2) The cost per square foot of the proposed capital project.

(3) The estimated impact that the proposed capital project would have on tax rates.

(4) The estimated aggregate impact that all proposed capital projects would have on tax rates.

~~(3)~~ (5) The relative priority the proposed capital project should have among other capital projects proposed within the county.

~~(4)~~ (6) The estimated impact the proposed capital project would have on tax rates.

~~(5)~~ (7) Any other factors considered pertinent by the review board.

(b) A review board may not disapprove a proposed capital project that is required by a court order.

(c) If a review board does not issue a decision with respect to a proposed capital project within ninety (90) days after the review board's receipt of the plan of the capital project under section 11 of this chapter, the capital project is considered approved by the review board as submitted.

(d) If a proposed capital project is submitted to the review boards of

1 two (2) or more counties as required by section 10(b) of this chapter
 2 and the project is disapproved by any of the review boards, the project
 3 is considered to be disapproved.

4 (e) All orders of the review board under this section shall be filed
 5 with the affected political subdivision and with the department of local
 6 government finance."

7 Page 209, between lines 24 and 25, begin a new line block indented
 8 and insert:

9 **"(7) The estimated impact that:**

10 **(i) each proposed capital project; and**

11 **(ii) all proposed capital projects, in the aggregate;**

12 **will have on tax rates.**

13 **(8) A schedule of the estimated aggregate tax impact of all**
 14 **debt and lease obligations for capital projects that the**
 15 **political subdivision has previously incurred for each year**
 16 **over the term that payments will be made to pay for the**
 17 **capital projects or to pay debt and lease obligations related to**
 18 **the capital project."**

19 Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed January 17, 2008.)

Representative Noe